

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF PUERTO RICO**

**IN RE:**

**HOSPITAL DAMAS, INC.**

**CASE NO. 10-08844 MCF  
CHAPTER 11**

**Debtor**

\*\*\*\*\*

**Lilliam Cintrón Torres  
ET ALS**

**Movant**

**MOTION TO MODIFY AUTOMATIC STAY**

**TO THE HONORABLE COURT:**

Comes now, Lillian Cintron Torres through the undersigned attorney and very respectfully state and request relief as follows:

1. Movant Lillian Cintron Torres, her brothers and sisters are plaintiffs in case filed in the First Instance Court of Puerto Rico, Ponce ward, against Hospital Damas de Ponce, Dr. Domingo Chardon, Dr. Carlos Otero and their respective insurance companies under the number JDP2000-0068 (605). A complaint was filed seeking redress for alleged medical malpractice that contributed to plaintiff's mother deceased.

2. That at the time of the filing of this petition by Debtor, a Judgment was pending to be enter. After 5 years of litigation in different stages, the bench trial before court ended on April 27, 2009. On that date the Court ordered the parties to file a memorandum of law. All those were filed and the case was deemed as rested and submitted for judgment by the judge who heard the case, Honorable Ramon Meléndez Castro.

3. Movant has filed Claim #12 in the amount of \$1,500,000.00, listing the amounts claimed heretofore. The actual amount owed can be determined by judgment.

4. The case against the Debtor may or may not exceed the fund coverage. If the claim exceeds the fund movant wishes to hold the Debtor liable for payment under the bankruptcy proceeding.

5. That in as much as the movant believes that it benefits all to determine the Debtors liability, she requests of the Court that the automatic stay be modified allowing an enter of judgment in the *First Instance Court of Puerto Rico, Ponce ward Anastacio Cintrón Echevarría et als. v. Hospital Damas de Ponce, Dr. Domingo Chardon, Dr. Carlos Otero and their respective insurance companies under the number JDP2000-0068 (605).*

6. The relief requested in this Motion is predicated on 11 U.S.C. § 362(d), and Rules 4001 and 9014 of the Federal Rules of Bankruptcy Procedure.

**WHEREFORE,** It is requested that the Court, in view of the above requests the Court to grant this motion, lift and modify the automatic stay allowing to proceed to judgment in case JDP2000-0068, *Anastacio Cintrón Echevarría et als. v. Hospital Damas de Ponce, Dr. Domingo Chardon, Dr. Carlos Otero and their respective insurance companies, First Instance Court of Puerto Rico Ponce ward.*

**NOTICE TO OPPOSE**

You are hereby notified that within fourteen (14) days after Service as evidenced by the certification, and an additional three (3) days pursuant to FRBP 9006(f) if you were served by mail, any party against whom this paper has been served, or any other party to the action who objects to the relief sought herein, shall serve and file an objection or other appropriate response to this paper with the clerk's office or the U. S. Bankruptcy Court for the District of Puerto Rico. If no objection or other response is filed within the time allowed herein, the objection will be deemed unopposed and may be granted unless: (1) the requested relief is forbidden by law; (2) the requested relief is against public policy; or (3) in the opinion of the court, the interest of justice requires otherwise. If you file a timely response, the court may - in its discretion- schedule a hearing.

**CERTIFICATE OF ELECTRONIC FILING AND SERVICE**

I HEREBY CERTIFY THAT on this date copy of this motion has been electronically filed with the Clerk of the Court using the CM/ECF system which will send notification of such filing to Debtor's Attorney Charles A. Cuprill, Esq., Monsita Lecaroz Arribas, Esq., María Lozada Figueroa, Esq., Edgardo Muñoz, Esq., and Todd C. Meyer, Esq., of such filing to all parties in interest.

I certify that a copy of this motion was mailed to Hospital Damas, Inc. 2213 Ponce By Pass, Ponce, PR 00717, to Attorney Charles Cuprill to 356 Calle Fortaleza Second Floor, San Juan, PR 00901, US Trustee Monsita Lecaroz Arribas, Ochoa Building 500 Tanca Street, Suite 301, San Juan, PR 00901, Rafael García Rondón, 206 Tetuán Street, 7<sup>th</sup> floor Suite 701, San Juan, PR 00901; Attorney María S. Lozada Figueroa, 254 San Jose Street, Suite 3, San Juan, PR 00901, Attorney Edgardo Muñoz, PO Box 360971, San Juan, PR 00936-0971 and Attorney Todd C. Meyer, 1100 Peachtree Street NE, Suite 2800, Atlanta, GA 30309-4630.

**RESPECTFULLY SUBMITTED.**

In Ponce, Puerto Rico this October 25, 2010.

**IVELISSE TORO ZAMBRANA**  
**Federal Bar no. 214513**  
**Attorney for movant**  
**Postal PO Box 7719**  
**Ponce, Puerto Rico 00732**  
**Tel. 787-844-5770**  
**Fax 787-842-4664**  
**Email [fatoro@prtc.net](mailto:fatoro@prtc.net)**  
**S/ IVELISSE TORO ZAMBRANA**

